

01-04-07

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<b>AMENDMENT TRANSMITTAL LETTER</b>			<b>After Final Rejection</b>	
Application No. 10/667,034	Filing Date September 22, 2003	Examiner E. C. Robert	Group Art Unit 3733	
Applicant(s): James D. Ralph, Stephen Tatar, and Thomas J. Errico			Docket No. SPINE 3.0-441 CONT CONT	

Invention: POROUS INTERVERTEBRAL DISTRACTION SPACERS

**TO THE COMMISSIONER FOR PATENTS**

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	13	- 20 =		x	
Independent Claims	3	- 3 =		x	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:</b>					

☒ Large Entity☐ Small Entity☐ No additional fee is required for this amendment.
☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_.  
 A duplicate copy of this sheet is enclosed.

☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.

☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 12-1095  
 as described below. A duplicate copy of this sheet is enclosed:
☒ Credit any overpayment.☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.

Dated: December 21, 2006
 Michael J. Doherty  
 Attorney Reg. No. 40,592

 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP  
 600 South Avenue West  
 Westfield, New Jersey 07090  
 (908) 518-6337

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: December 21, 2006

Signature:

(Michael J. Doherty)